



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

October 24, 2018

**BY ECF**

The Honorable Kenneth M. Karas  
United States District Judge  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

Re: *Chen v. United States*, 17 Civ. 07104 (KMK) (JCM)

Dear Judge Karas:

I write respectfully on behalf of defendant the United States of America (the "Government") in the above-referenced tax refund action to request an extension of the time to complete discovery.

On July 11, 2018, the parties exchanged interrogatories and document requests. On August 10, 2018, the Government provided its responses and objections to plaintiff's interrogatories and document requests, and it completed its document production on August 22. The Government has not yet received any responses to its now-three-month-old interrogatories or document requests from plaintiff, who was previously *pro se* and who, since June 27, 2018, has been represented by *pro bono* counsel. See Dkt. No. 18. The Government also has not received authorizations from plaintiff to obtain relevant documents from third parties. Plaintiff's counsel has represented that there has been some difficulty gathering responsive documents from Mr. Chen and preparing discovery responses, including because Mr. Chen's mother has been hospitalized. Based on these representations, the Government had previously agreed to extend plaintiff's time to respond to its discovery requests to September 28, 2018. However, the case cannot proceed until the Government receives plaintiff's responses.

In light of the foregoing, the Government requests a 75-day extension of the close of fact discovery, from October 31, 2018, to January 14, 2019. Plaintiff's counsel consents to this request. The undersigned believes that the requested extension should be sufficient, but this conclusion is premised on the Government receiving full responses to its discovery requests and authorizations for third-party records no later than November 2, 2018. Plaintiff's counsel has not represented that discovery responses can be provided by any specific date. Although the Government has not yet sought to file a motion to compel plaintiff to produce his discovery responses, it may seek leave to file such a motion before Judge McCarthy pursuant to Local Rule 37.2, if this becomes necessary.

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I thank the Court for its consideration of this request.

Respectfully,

GEOFFREY S. BERMAN  
United States Attorney

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cc (by ECF): Megan L. Brackney, *Counsel for Plaintiff*